



# Landlord and Tenant (War Damage) Act 1939

1939 CHAPTER 72

## PART II

### DISCLAIMER AND RETENTION OF LEASES

#### *Notices of disclaimer*

#### **9 Power of court to modify effect of notice of disclaimer**

- (1) On an application duly made under this section, the court shall have power to modify the operation of a notice of disclaimer as stated in the last foregoing section as follows :
  - (a) by varying the date on which subsection (2) of that section takes effect or the date as from which any lease or sub-lease is deemed to have been surrendered or any interest therein is deemed to have been extinguished;
  - (b) by excepting from the operation of that section, on such terms as the court thinks just, any sub-lease and any interest therein which would otherwise be deemed to have been surrendered or extinguished;
  - (c) by vesting on such terms as the court thinks just the lease disclaimed, or any sub-lease which would otherwise be deemed to have been surrendered, in any person having an interest in the lease or sub-lease other than the tenant thereunder;
  - (d) by imposing such terms and making such orders as to the removal of fixtures and otherwise as the court thinks just.
- (2) The terms imposed by the court under paragraph (b) or paragraph (c) of the last foregoing subsection may include such alterations as the court thinks just of the terms of the lease or sub-lease in question.
- (3) An application under this section may be made by any person—

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*Status: This is the original version (as it was originally enacted).*

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- (a) having an interest in or derived out of the term created by the lease disclaimed;  
or
- (b) having an interest in the reversion immediately expectant upon the determination of that lease;

at any time within the period allowed under this Act for serving a notice to avoid disclaimer.

- (4) Unless the court otherwise directs, no application under this section and no order of the court thereon shall prejudice the right of a landlord to serve a notice to avoid disclaimer within the period allowed by this Act.